

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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James Sharbono,

Plaintiff,

v.

Northern States Power Company, a  
Minnesota Corporation, d/b/a Xcel Energy,

Defendant.

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Court File No. 15-CV-3351 (RHK/LIB)

**DECLARATION OF MICHAEL  
WILHELM FOR MOTION FOR  
SUMMARY JUDGMENT**

I, Michael Wilhelm, state as follows:

1. I am an attorney with the law firm of Briggs and Morgan, P.A., and I represent Northern States Power Company, a Minnesota Corporation, d/b/a Xcel Energy (“NSP”) in the above-captioned matter.

2. True and correct copies of selected pages from the transcript of the deposition of Plaintiff James Sharbono are attached hereto as **Exhibit 1**.

3. True and correct copies of exhibits authenticated and discussed during the deposition of Plaintiff James Sharbono are attached as follows:

- (a) **Exhibit 2:** A January 22, 2008 letter from Dr. Jeffrey Gerdes.
- (b) **Exhibit 3:** NSP’s Personal Protective Equipment Program.
- (c) **Exhibit 4:** A February 18, 2008 note from Dr. Schleichert.
- (d) **Exhibit 5:** A March 4, 2008 email from Karyn Davis to Plaintiff.
- (e) **Exhibit 6:** An April 1, 2008 report of work ability form.
- (f) **Exhibit 7:** An April 3, 2008 letter from Dr. Schleichert.

(g) **Exhibit 8:** An April 9, 2008 letter from Dr. Thomas Jetzer.

(h) **Exhibit 9:** Notes concerning Plaintiff from Great Steps Orthotics & Prosthetics

(i) **Exhibit 10:** Notes dated September 4, 2008 from Louis Winskowski of Foot Support.

(j) **Exhibit 11:** Plaintiff's notes from an April 12, 2012 meeting.

(k) **Exhibit 12:** A June 6, 2012 first report of injury from Plaintiff.

(l) **Exhibit 13:** A June 6, 2012 letter from Dr. Rieke.

(m) **Exhibit 14:** A June 25, 2012 letter from Plaintiff's union to NSP.

(n) **Exhibit 15:** Notes from Scott Langston dated February 25, 2013.

(o) **Exhibit 16:** Plaintiff's notes from a March 14, 2013 meeting.

4. A true and correct copy of NSP's expert report from David Wallis is attached hereto as **Exhibit 17**.

5. A true and correct copy of Plaintiff's expert report from Franklin "Chip" Darius is attached hereto as **Exhibit 18**.

6. A true and correct copy of NSP's reply expert report from David Wallis is attached hereto as **Exhibit 19**.

7. True and correct copies of transcripts of voicemails produced by Plaintiff in this litigation are attached hereto as **Exhibit 20** and **Exhibit 21**. Plaintiff admits that the transcripts are "substantially accurate" and that there are no "material errors" in the transcripts of the voicemails he produced in his answers to NSP's second set of interrogatories to Plaintiff, which are attached hereto as **Exhibit 22**. Plaintiff has refused

to identify what immaterial differences he believes to exist between the transcripts and the voicemails.

8. True and correct copies of selected pages from the deposition of Paul Casanova are attached hereto as **Exhibit 23**.

9. A true and correct copy of Plaintiff's April 23, 2013 charge of discrimination is attached hereto as **Exhibit 24**.

10. True and correct copies of selected pages from the deposition of Scott Langston are attached hereto as **Exhibit 25**.

THIS ENDS MY STATEMENT.

**VERIFICATION**

**PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

Dated: August 17, 2016

/s/ Michael C. Wilhelm  
Michael C. Wilhelm